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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 JAMES A. BATTLE, JR.,)
)
10 Plaintiff,) CASE NO. C10-5410-RSM-MAT
 v.)
11)
ALAN BAALAER, *et al.*,) ORDER DENYING PLAINTIFF'S
12) MOTION TO STRIKE HIS
Defendants.) DEPOSITION
13 _____)

14 This is a civil rights action brought pursuant to 42 U.S.C. § 1983. This matter comes
15 before the Court at the present time on plaintiff's motion for an order striking his deposition.
16 The Court having reviewed plaintiff's motion, and the balance of the record, does hereby
17 ORDER as follows:

18 (1) Plaintiff's motion for an order striking his deposition (Dkt. No. 96) is DENIED.
19 Plaintiff complains in his motion to strike that he was deposed by defendants before he had an
20 opportunity to be heard in opposition to defendants' motion to take his deposition. The Court
21 did, in fact, expedite review of defendants' motion to take plaintiff's deposition at defendants'
22 request. However, as was explained by the Court in its order granting defendants' motion, the

01 Court expedited its review because plaintiff had no valid basis for objecting to the taking of his
02 deposition in the first instance. Plaintiff's insistence that defendants' obtain a court order
03 before conducting the deposition was just another way in which plaintiff has attempted to
04 harass defendants and obstruct these proceedings. Plaintiff offers no valid basis for striking
05 his deposition and the instant motion is therefore properly denied as frivolous.

06 (2) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
07 defendants, and to the Honorable Ricardo S. Martinez.

08 DATED this 31st day of October, 2011.

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11 Mary Alice Theiler
United States Magistrate Judge